

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jack L. Shaw, Carolyn Bittker,

Civil No. 08-6136 (RHK/RLE)

Plaintiffs,

**ORDER FOR PARTIAL
DISMISSAL WITH PREJUDICE**

vs.

Henkels & McCoy, Inc.,

Defendant.

Pursuant to the parties' Stipulation of Partial Dismissal With Prejudice (Doc. No. 16), **IT IS ORDERED** that Plaintiffs' claim of intentional infliction of emotional distress (Count II) is **DISMISSED WITH PREJUDICE** and on the merits, and without costs to either party.

Dated: November 2, 2009

s/Richard H. Kyle _____
RICHARD H. KYLE
United States District Judge